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3736

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/974,654
		Filing Date	October 10, 2001
		Confirmation Number	9928
		First Named Inventor	MATZINGER, DAVID
		Group Art Unit	3736
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission 8		Attorney Docket Number	LIFE-045
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Communication European Search Report 8 References Postcard	
Remarks			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Signing Attorney/Agent (Reg. No.)	SUSAN C. TALL. 52.272 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	July 9, 2003		

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Attorney Docket	LIFE-045
First Named Inventor	MATZINGER, DAVID
Application Number	09/974,654
Confirmation No.	9928
Filing Date	October 10, 2001
Group Art Unit	3736
Examiner Name	Not Yet Assigned
Title:	"DEVICES FOR PHYSIOLOGICAL FLUID SAMPLING AND METHODS OF USING THE SAME"

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Sir:

Applicants submit herewith patents and/or publications which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. While this Statement may be "material" pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication, or other information referred to therein is "prior art" for this invention unless specifically designated as such. A listing of patents and/or publications is shown on enclosed Form PTO-SB/08A and a copy of each patent and/or publication is also enclosed.

Each item of information contained in the Information Disclosure Statement filed herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement (37 C.F.R. 1.97(e)(1)). A copy of the communication is enclosed for the Examiner's convenience.

The Examiner is requested to make the citations listed on the enclosed PTO-SB/08A of record in this application. Applicants would appreciate the Examiner initialing and returning the initialed copy of form PTO-SB/08A, indicating the references have been considered and made of record herein.

No fee is believed due as this statement is being submitted within three months of the mailing date of the enclosed foreign communication. However, if it is determined that fees are required, the Commissioner is hereby authorized to charge any necessary fees associated with this communication or credit any overpayment to Deposit Account No. 50-0815, Order No. LIFE-045.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 7/9/03

By: [Signature]
Susan C. Tall, Reg. No. 52,272

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231
LFS-137



P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
☎ +31 70 340 2040
TX 31651 epo nl
FAX +31 70 340 3016

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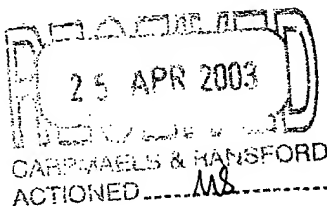
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Division de la
recherche

CPN

Fisher, Adrian John
CARPMAELS & RANSFORD
43 Bloomsbury Square
London WC1A 2RA
GRANDE BRETAGNE



Datum/Date

25.04.03

Zeichen/Ref./Réf. P032443EP	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 02258029.4-2305-
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire Lifescan, Inc.	

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☐ abstract

☒ title

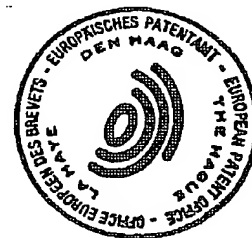
☒ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

4

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 261 409 A (DARDEL ERIC) 16 November 1993 (1993-11-16) * column 1, line 5 - line 20 * * figures 1-3 *	1,3,6	A61B5/026 A61B5/103
Y	---	2,7-15	
X	US 6 178 340 B1 (SVETLIZA EDUARDO) 23 January 2001 (2001-01-23) * column 2, line 41 - column 3, line 9 * * column 4, line 41 - line 64 *	1,4,5,7	
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Y	WO 98 20794 A (BOGGETT DAVID ;HUANG XIABING (GB); MOOR INSTR LTD (GB)) 22 May 1998 (1998-05-22) * page 7, paragraph 2 - page 8, paragraph 1 *	3,6,7	TECHNICAL FIELDS SEARCHED (Int.Cl.7) A61B
Y	US 5 972 294 A (SMITH JOHN L ET AL) 26 October 1999 (1999-10-26) * abstract * * column 1, line 10 - line 13 *	8-10	
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Y	DE 198 18 532 A (UNIV DRESDEN TECH) 28 October 1999 (1999-10-28) * claim 1 *	12	
The present search report has been drawn up for all claims			
Place of search MUNICH		Date of completion of the search 8 April 2003	Examiner Lohmann, S
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 02 25 8029

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08-04-2003

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08-04-2003

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ABSTRACT / ZUSAMMENFASSUNG / ABREGE

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Methods and devices are provided for determining a suitable site for sampling physiological fluid. In the subject methods, a potentially suitable physiological sampling site is selected, the fluid flow of the site is characterized and the site is then determined to be suitable based on the whether the site has high or low flow. Suitability may also be determined based on the type of sample obtainable from the site, where the order of the above-described steps may be altered. The subject devices include at least one site flow characterization element (12) for determining the flow characteristics of a potential physiological sampling site and/or at least one sample type characterization element (14) for determining whether the vasculature is arterial, venous or neither, i.e., an interstitial fluid sampling site. The subject methods and devices are particularly suited for use in the detection of physiological sampling sites in the fingers, arms, legs, earlobes, heels, feet, nose and toes. Also provided are kits that include the subject devices for use in practicing the subject methods.